



SERIAL NO. 09/919,317

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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Appellant:	Jokinen et al.	Examiner:	Torres, M.
Serial No.:	09/919,317	Group Art Unit:	2683
Filing Date:	July 31, 2001	Docket No.:	NOKM.011PA
Title:	SYSTEM AND METHOD FOR AUTOMATIC PROVISIONING DETECTION AND NOTIFICATION		

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By:

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**APPEAL BRIEF**

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Sir:

This Appeal Brief is submitted pursuant to 37 C.F.R. §41.37 for the above-referenced patent application consistent with the Notice of Appeal filed on August 22, 2006, and the Panel Decision from Pre-Appeal Brief Review to proceed to the Board of Patent Appeals and Interferences dated October 27, 2006.

Please charge deposit account 50-3581 (NOKM.011PA) in the amount of \$500.00 for filing this brief in support of an appeal by a large-entity as set forth in 37 C.F.R. §41.20(b)(2). If necessary, authority is given to charge/credit deposit account 50-3581 (NOKM.011PA) additional fees/overages in support of this filing.

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## TABLE OF CONTENTS

REAL PARTY IN INTEREST.....	1
II. RELATED APPEALS AND INTERFERENCES .....	2
III. STATUS OF CLAIMS.....	3
IV. STATUS OF AMENDMENTS .....	4
V. SUMMARY OF CLAIMED SUBJECT MATTER .....	5
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	8
A. Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 stand rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> (U.S. Patent No. 6,615,038) in view of Meche <i>et al.</i> (U.S. Patent No. 5,809, 413).....	8
B. Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Meche <i>et al.</i> and further in view of Saegusa <i>et al.</i> (U.S. Patent No. 5,365,572).....	8
C. Claims 15-17 stand rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Meche <i>et al.</i> and further in view of Nakatsuyama (U.S. Patent No. 6,658,231) .....	8
D. Claim 26 stands rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Meche <i>et al.</i> and further in view of Rangarajan <i>et al.</i> (U.S. Patent No. 6,757,754).....	8
E. Claim 27 stands rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Meche <i>et al.</i> and further in view of Sutinen <i>et al.</i> (U.S. Patent No. 6,839,564). 8	
F. Claims 5, 30, 32-34 and 36 stand rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Raith (U.S. Patent No. 5,404,355).....	8
G. Claims 6, 38-41 and 43 stand rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Lager <i>et al.</i> (U.S. Patent No. 6,636,502).....	8
H. Claim 14 stands rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Meche <i>et al.</i> and further in view of Chatterjee <i>et al.</i> (U.S. Patent No. 6,282,421) .....	8
I. Claims 18 and 35 stand rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Meche <i>et al.</i> and further in view of Donovan <i>et al.</i> (U.S. Patent No. 6,519,468).....	8
J. Claim 23 stands rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Meche <i>et al.</i> and further in view of Vucetic <i>et al.</i> (U.S. Patent No. 5,819,177) 8	
K. Claim 37 stands rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Raith and further in view of Vucetic <i>et al.</i> .....	9
L. Claim 42 stands rejected under 35 U.S.C. §103(a) over Moles <i>et al.</i> in view of Lager <i>et al.</i> and further in view of Donovan <i>et al.</i> .....	9

VII.	ARGUMENT.....	10
A.	The §103(a) rejection of Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 is improper because the asserted combination of Moles <i>et al.</i> and Meche <i>et al.</i> fails to correspond to the claimed invention, and the requisite evidence of motivation to combine these references, as asserted, has not been established.....	10
B.	The §103(a) rejection of Claims 12 and 13 is improper because the asserted combination of Moles and Meche in view of Saegusa <i>et al.</i> fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	16
C.	The §103(a) rejection of dependent Claims 15-17 is improper because the asserted combination of Moles and Meche in view of Nakatsuyama fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established .....	17
D.	The §103(a) rejection of Claim 26 is improper because the asserted combination of Moles and Meche in view of Rangarajan <i>et al.</i> fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	18
E.	The §103(a) rejection of dependent Claim 27 is improper because the asserted combination of Moles and Meche in view of Sutinen <i>et al.</i> fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	18
F.	The §103(a) rejection of dependent Claims 5, 30, 32-34 and 36 is improper because the asserted combination of Moles in view of Raith fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	19
G.	The §103(a) rejection of dependent Claims 6, 38-41 and 43 is improper because the asserted combination of Moles in view of Lager <i>et al.</i> fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	20
H.	The §103(a) rejection of dependent Claim 14 is improper because the asserted combination of Moles and Meche in view of Chatterjee <i>et al.</i> fails to correspond to the claimed invention .....	21
I.	The §103(a) rejection of dependent Claims 18 and 35 is improper because the asserted combination of Moles and Meche in view of Donovan <i>et al.</i> fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established .....	22
J.	The §103(a) rejection of dependent Claim 23 is improper because the asserted combination of Moles and Meche in view of Vucetic <i>et al.</i> fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	22
K.	The §103(a) rejection of dependent Claim 37 is improper because the asserted combination of Moles and Raith in view of Vucetic fails to correspond to the	

	claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	23
L.	The §103(a) rejection of dependent Claim 42 is improper because the asserted combination of Moles and Lager in view of Donovan fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.....	24
	1. Claim 44 .....	25
VIII.	CONCLUSION .....	26
IX.	CLAIMS APPENDIX.....	27
X.	EVIDENCE APPENDIX.....	36
XI.	RELATED PROCEEDINGS APPENDIX .....	37

**I. REAL PARTY IN INTEREST**

The real party in interest is the assignee, Nokia Corporation.



## **II. RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any related appeals, interferences or judicial proceedings that would have a bearing on the Board's decision in the instant appeal.

### **III. STATUS OF CLAIMS**

Claims 1, 3-24, 26-30 and 32-48 are pending, each of which is presented for appeal. Each of the pending Claims 1, 3-24, 26-30 and 32-48 has been finally rejected by the Examiner's action dated March 23, 2006, from which Appellant appeals.

The pending Claims 1, 3-24, 26-30 and 32-48 under appeal may be found in the attached Claims Appendix.

#### **IV. STATUS OF AMENDMENTS**

No amendments have been presented subsequent to the final rejection dated March 23, 2006.



## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention is generally directed to provisioning mobile phones without requiring human intervention. Provisioning refers to setting initial configuration parameters when a mobile phone is initially activated and also refers to configuring and reconfiguring such parameters when new services are added or existing services are upgraded. Embodiments of the present invention are directed to methods and systems that involve providing a notification to a provisioning server to initiate provisioning procedures when an unprovisioned terminal is detected in a mobile network.

One embodiment of the present invention is directed to a method for initiating provisioning procedures for terminals operable in a mobile communications network. *See, e.g.*, Claim 1, Figs. 3 and 4; and the corresponding discussion in the instant Specification at page 16, line 21 – page 18, line 6. The method includes automatically detecting an unprovisioned terminal in a mobile communications network (*e.g.*, 302, 402) and providing a notification to a provisioning server to initiate provisioning procedures for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal (*e.g.*, 304, 404). The method also includes monitoring the unprovisioned terminal for a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal, where automatically detecting an unprovisioned terminal includes determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations (*e.g.*, 300, 400). Other embodiments are directed to a computer-readable medium having computer-executable instructions for initiating provisioning procedures in the manner described above. *See, e.g.*, Claim 46 and the discussion at page 26, line 4 – page 27, line 5.

Another embodiment of the present invention is directed to a provisioning system for automatically provisioning terminals in a mobile communications network. *See, e.g.*, Claim 28; Figs. 1 and 2; and the corresponding discussion at page 9, line 6 – page 16, line 20. The system includes a network element (*e.g.*, 207, 209), a detection module (*e.g.*, 112, 206), a provisioning trigger module (*e.g.*, 114, 206), and a provisioning server (*e.g.*, 118, 240). The network element is capable of receiving a subscriber identifier and an equipment identifier. The detection module is operable with the network element,

capable of being coupled to a mobile communications network, and configured to monitor for at least the subscriber identifier and the equipment identifier transmitted from an unprovisioned terminal (*e.g.*, 100, 200), and to compare an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups. The provisioning trigger module is capable of communicating with the detection module to generate a provisioning notification based on results of the comparison of the identifier group and known subscriber-equipment groups indicating that the unprovisioned terminal has been introduced on the mobile communications network. The provisioning server is configured to receive the provisioning notification and to instigate provisioning procedures with the unprovisioned terminal in response to the provisioning notification.

Another embodiment is directed to a provisioning system for automatically provisioning terminals in a mobile communications network. *See, e.g.*, Claim 47; Figs. 1 and 2; and the corresponding discussion at page 9, line 6 – page 16, line 20. The system includes means for receiving a subscriber identifier identifying a particular subscriber and an equipment identifier identifying an unprovisioned terminal and for comparing an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups. The system also includes means for automatically detecting the unprovisioned terminal in the mobile communications network, including means for determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations based on results of the comparison. Means for providing a notification to a provisioning server to initiate a provisioning procedure for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal are also included in the system. Each of the above-discussed means may include, for example, servers, mobile switching centers, home location registers, visiting location registers, serving GPRS support nodes, processors, short message service centers, equipment identity registers, etc. Appellant notes that a single structure may correspond to multiple “means” limitations. *See, e.g., Winbond Electronics Corp. v. International Trade Commission*, 4 Fed.Appx. 832, C.A.Fed., 2001.

Another embodiment of the present invention is directed to a network element for facilitating provisioning of terminals in a mobile communications network. *See, e.g.*, Claim 48; Fig. 2; and the corresponding discussion at page 10, line 17 – page 16, line 20.

The network element (*e.g.*, 206, 208) includes a detection module capable of communicating via a mobile communications network and is configured to monitor for subscriber and equipment identifiers associated with one or more terminals and to identify unprovisioned terminals introduced into the mobile communication network based on correspondence between the subscriber and equipment identifiers and any of a plurality of known subscriber and equipment affiliations. The network element also includes a provisioning trigger module coupled to the detection module to generate provisioning notifications for the unprovisioned terminals identified via the detection module where each provisioning notification indicates that the respective unprovisioned terminal is to be provisioned.

As required by 37 C.F.R. § 41.37(c)(1)(v), a concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided herein. Appellant notes that representative subject matter is identified for each of these claims; however, the abundance of supporting subject matter in the application prohibits identifying all textual and diagrammatic references to each claimed recitation. Appellant thus submits that other application subject matter, which supports the claims but is not specifically identified above, may be found elsewhere in the application. Appellant further notes that this summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and their legal equivalents for a complete statement of the invention.

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* (U.S. Patent No. 6,615,038) in view of Meche *et al.* (U.S. Patent No. 5,809, 413).
- B. Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Saegusa *et al.* (U.S. Patent No. 5,365,572).
- C. Claims 15-17 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Nakatsuyama (U.S. Patent No. 6,658,231).
- D. Claim 26 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Rangarajan *et al.* (U.S. Patent No. 6,757,544).
- E. Claim 27 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Sutinen *et al.* (U.S. Patent No. 6,839,564).
- F. Claims 5, 30, 32-34 and 36 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Raith (U.S. Patent No. 5,404,355).
- G. Claims 6, 38-41 and 43 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Lager *et al.* (U.S. Patent No. 6,636,502).
- H. Claim 14 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Chatterjee *et al.* (U.S. Patent No. 6,282,421).
- I. Claims 18 and 35 stand rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Donovan *et al.* (U.S. Patent No. 6,519,468).
- J. Claim 23 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Meche *et al.* and further in view of Vucetic *et al.* (U.S. Patent No. 5,819,177).

- K. Claim 37 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Raith and further in view of Vucetic *et al.*
- L. Claim 42 stands rejected under 35 U.S.C. §103(a) over Moles *et al.* in view of Lager *et al.* and further in view of Donovan *et al.*

## VII. ARGUMENT

Appellant maintains the traversal of each of the grounds of rejection, each of which is asserted under 35 U.S.C. §103(a), at least because the asserted references, alone or in combination, do not correspond to the claimed invention. In order to maintain a §103(a) rejection, the Examiner must identify a reference, or a combination of references, that teaches or suggests each of the claimed limitations and present evidence that a skilled artisan would have been motivated to combine the references as asserted by the Examiner. MPEP §2142. Appellant maintains that at least these requirements have not been satisfied.

In accordance with 37 C.F.R. §41.37(c)(1)(vii) each of the grounds of rejection are discussed in detail below. As each of the grounds of rejection are based at least in part upon the teachings of the primary reference, Moles *et al.* (U.S. Patent No. 6,615,038), the arguments presented against the grounds of rejection lettered B-L are largely duplicative of the arguments presented against the first grounds addressed in Section A. However, the arguments presented in sections B-L below also include arguments specific to their respective grounds of rejection.

**A. The §103(a) rejection of Claims 1, 3-4, 7-11, 19-22, 24, 28, 29 and 45-48 is improper because the asserted combination of Moles *et al.* and Meche *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine these references, as asserted, has not been established.**

Contrary to the Examiner's assertions, the primary reference, Moles *et al.* (hereinafter "Moles"), does not, and cannot, correspond to the claimed limitations identified by the Examiner as being described in Moles. Each of independent Claims 1, 28, 46, 47 and 48 includes limitations directed to providing a notification to a provisioning server to initiate the provisioning procedures for an unprovisioned terminal in response to the automatic detection of the unprovisioned terminal. Appellant maintains that Moles does not teach, at least, the claimed providing of a notification to initiate provisioning procedures in response to the automatic detection of an unprovisioned terminal, and Meche *et al.* (hereinafter "Meche") does not overcome these deficiencies in the teachings of Moles.

The Examiner relies upon three portions of Moles (column 6, lines 28-39; column 8, lines 26-65; and column 7, lines 12-17) as allegedly corresponding to the above discussed limitations; none of which teaches or suggests providing a notification to initiate provisioning procedures. In the “Response to Arguments” in the final Office Action at the bottom of page 2, the Examiner asserts that Moles discloses sending a notification (asserted as corresponding to the claimed notification) to a server with configuration data. However, each of the above-listed, cited portions indicates that configuration data is gathered: “[e]ither during the service provisioning or at a subsequent time” (column 6, lines 33-34); “during the time that each handset is being provisioned or at a subsequent time” (column 7, lines 16-17); and “[d]uring or subsequent to service provisioning for MS 112” (column 8, lines 31-32). Any alleged notification containing or regarding configuration data in Moles is sent during or subsequent to provisioning. Thus, the alleged notification of Moles cannot correspond to the claimed notification to initiate provisioning procedures.

As Moles is solely relied upon as teaching these claimed features and Moles, in the cited portions or generally, fails to teach or suggest such features, each of the rejections based upon Moles is improper. The Meche reference was not cited as teaching these claimed features, nor does it teach or suggest these features. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper and should not be maintained. Appellant accordingly requests that the rejection be reversed.

Moles also fails to correspond to the above-discussed limitations directed to a provisioning procedure which is automatically triggered after a determination has been made that an unprovisioned terminal exists within the network and that such provisioning is initiated in response to the automatic detection. In contrast Moles teaches that provisioning of mobile terminals is either triggered spontaneously or in response to a mobile station upgrade request message. *See*, column 8, lines 48-51. The spontaneously-triggered provisioning is based on the use of a timer 315 in conjunction with scheduling data stored in update schedule file 313 to perform periodic or scheduled mobile station updates. *See*, column 7, lines 35-47 and 48-59, and column 8, lines 14-25. Thus, Moles’ configuration updates are not triggered by detection of an unprovisioned mobile terminal,

but rather, configuration update software is merely gathered periodically. Therefore, the configuration updates may occur in response to a manual configuration update request sent by a mobile station, or periodically as defined by timer 315, update schedule file 313, and associated scheduling data.

Alternately, the Examiner contends that Moles teaches identifying a mobile station as being unprovisioned and then performing a provisioning procedure on the mobile station by citing column 6, lines 28-33. Moles indicates at line 27 (of column 6) that such procedure is discussed “below in greater detail” where such discussion may be found at column 7, lines 24-28 and lines 60-66, and column 8, lines 1-13. However the procedure discussed in greater detail is a procedure that contrasts with that of the claimed invention. More specifically, Moles teaches that software configuration files are requested and subsequently stored within mobile station parameter files 320-350 (*see* column 7, lines 24-28, and step 425 of FIG. 4) thereby beginning the provisioning procedure. Next, mobile station update controller 305 locates one or more mobile stations having a specific manufacturer's identification number or range of hardware revision numbers, but first, a mobile station configuration request message must be transmitted to the mobile station. *See*, column 7, lines 60-66, and column 8, lines 1-4 and 32-35. If mobile station update controller 305 determines that a manufacturer's identification code of a mobile station matches the manufacturing code associated with the previously stored software configuration files, then a software update to that mobile station is commenced. *See*, column 8, lines 8-15, and step 430 of FIG. 4. Thus, the provisioning process of Moles is initiated before any mobile stations needing provisioning have been located, since software configuration files are gathered before any mobile stations requiring provisioning have been identified. Further, the provisioning procedure taught by Moles is not initiated in response to detecting an unprovisioned mobile station; rather, it is initiated periodically according to a predetermined update schedule.

Thus, while Moles first locates mobile station software configuration files that may be available from respective mobile station manufacturers, the claimed invention instead automatically detects mobile stations that are in need of provisioning. Also, while Moles attempts to match any mobile stations to previously received software



configuration files, the claimed invention instead issues a notification to a provisioning server to provision the automatically detected unprovisioned mobile terminal. Based at least upon these differences, Moles' disclosure fails to correspond to the limitations of each of Appellant's independent claims.

Further, Moles does not teach detecting an unprovisioned terminal using a subscriber identifier and an equipment identifier as asserted by the Examiner on page 4 of the final Office Action. While the Examiner cites column 6, lines 28-33, of Moles, Appellant notes that Moles is silent with respect to any use of a subscriber identifier and an equipment identifier – rather Moles merely identifies that handset data in the HLR identifies a handset as an unprovisioned handset. The relied-upon portion of Moles is also silent with respect to subscriber and/or equipment identifiers. For at least this reason, Moles does not teach that which the Examiner purports that it teaches.

The Examiner acknowledges that Moles does not disclose automatic detection of an unprovisioned terminal by determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations and instead relies upon Meche to overcome this deficiency. However, Meche does not specifically teach or suggest these claimed limitations. The cited portion of Meche (column 5, line 22 through column 8, line 36) does not disclose automatic detection of unprovisioned terminals by determining that subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations, as proffered by the Examiner.

More specifically, Meche is directed to disabling the use of a user identity module (UIM) to prevent unauthorized use of the UIM. *See, e.g.,* Abstract. Meche generally describes that a particular mobile terminal can be locked to a certain UIM, so that the mobile device cannot be used with other UIMs than the one it is locked to. *See, column 2, lines 1-9.* The disclosure of Meche generally relates to a security feature and does not disclose automatic detection of unprovisioned terminals by determining that subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations as asserted by the Examiner. The process of Meche takes place in the terminal, and the network monitors the list of the terminals. Meche is silent with respect to provisioning, and therefore does not, as contended by the Examiner, teach

automatically detecting unprovisioned terminals by determining that subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations.

Further, the independent claims are directed to determining whether the subscriber and equipment identifiers *collectively* correspond to known subscriber/equipment affiliations. Meche does not teach determining whether this subscriber/equipment identifier group corresponds to known subscriber/equipment identifier groups. Rather, Meche associates a device with a particular UIM but does not teach or suggest comparing the collective association of subscriber/equipment identifiers with known, collective associations of such identifiers.

For the reasons set forth above, the teachings of Moles, alone or in combination with the teachings of Meche, do not correspond to several of the claimed limitations. For example, the asserted combination of Moles and Meche fails to at least teach or suggest providing a notification to initiate provisioning procedures in response to an automatic detection of the unprovisioned terminal and automatically detecting unprovisioned terminals by determining that subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations. Thus, the §103(a) rejection based upon the teachings of Moles as modified by Meche cannot be maintained. Appellant accordingly requests that the rejection be reversed.

Dependent Claims 3, 4, 7-11, 19-22, 24, 29 and 45 depend from independent Claims 1 and 28, respectively, and also stand rejected under 35 U.S.C. §103(a) over the above-discussed combination of Moles and Meche. While Appellant does not acquiesce with any particular rejections to these dependent claims, including any assertions concerning common knowledge, obvious design choice and/or what may be otherwise well-known in the art, it is believed that these rejections are moot in view of the arguments made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims, and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 3, 4, 7-11, 19-22, 24, 29 and 45 are also allowable over the combination of Moles and Meche.

In addition to having to show that the asserted combination of references teaches or suggests all of the claim limitations, the Examiner must show evidence of motivation to combine these references as asserted. Apprllant respectfully submits that this requirement has not been met.

The requisite evidence of motivation to combine the cited references as asserted has not been presented, nor does such motivation exist based on the cited references. In the Office Action, the proffered motivation to add the security feature of Meche to Moles is “for enhanced security in the wireless communication system.” This is not evidence of motivation to combine the cited references but rather, is a generalized statement of “enhancement” of a wireless communication system which fails to provide the clear and particular evidence of a suggestion or motivation to combine the asserted references. The assertion that “both references are directed to the remote management of mobile terminals in a communication system” (page 3 of the final Office Action) also fails to present the requisite clear and particular evidence of motivation. No evidence has been provided that a skilled artisan would have attempted to introduce the locking of a mobile terminal of Meche to the teachings of Moles.

To establish *prima facie* obviousness, the proffered motivation must provide a clear and particular showing, supported by actual evidence, to combine the references. *Teleflex, Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1334, 63 U.S.P.Q.2d 1374, 1387 (Fed. Cir. 2002). It is respectfully submitted that the reason “for enhanced security in the wireless communication system” does not rise to the level of clear and particular actual evidence. For at least this reason, it is respectfully submitted that the requisite showing of motivation to combine the asserted teachings of Moles and Meche has not been met. Moreover, “enhanced security” does not relate to Moles and would not provide a basis for the skilled artisan to combine the asserted teachings of Meche with Moles.

Moreover, the examiner must show some objective teaching leading to the asserted combination. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). Since neither Moles nor Meche teaches any use of providing a notification to initiate

provisioning procedures, as discussed above, it is respectfully submitted that the teachings of Moles and Meche would have provided insufficient guidance for a skilled artisan having these references before him/her to make the combination suggested by the Examiner. Appellant respectfully asserts that the Examiner's conclusion of obviousness is, instead, based on improper hindsight reasoning using knowledge gleaned only from Appellant's disclosure. As stated by the Federal Circuit:

Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.

*In re Dembiczak*, 50 USPQ2d 1614, (Fed. Cir. 1999) (citing *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985)). Without a suggestion of the desirability of "the combination," a combination of such references is made in hindsight, and the "range of sources available, however, does not diminish the requirement for actual evidence." *Id.* It is a requirement that actual evidence of a suggestion, teaching or motivation to combine prior art references be shown and that this evidence be "clear and particular." *Id.* Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

Due to the failure of the asserted combination of references to teach or suggest each of the claimed limitations, and because the requisite motivation to combine Moles and Meche has not been established, *prima facie* obviousness has not been established. The §103(a) rejection is improper and should not be maintained. Appellant accordingly requests that the rejection be reversed.

**B. The §103(a) rejection of dependent Claims 12 and 13 is improper because the asserted combination of Moles and Meche in view of Saegusa *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

For the reasons discussed above in connection with Section A, Appellant respectfully maintains that the combination of Moles and Meche, alone or modified with the teachings of Saegusa *et al.* (hereinafter "Saegusa"), fails to teach or suggest each of the claim limitations. Dependent Claims 12 and 13 are dependent on independent Claim

1, and as set forth above, the combination of Moles and Meche fails to teach or suggest each of the limitations of Claim 1. Saegusa fails to remedy the above-discussed deficiencies of the asserted combination of Moles and Meche; therefore, the combination of Moles, Meche and Saegusa fails to teach or suggest each of the limitations of Claims 1, 12, and 13. Moreover, Saegusa is directed to establishing connections for cordless telephones and does not relate to provisioning of mobile phones. Thus, in addition to the lack of motivation to combine Moles and Meche, there would be no motivation to combine the teachings of Saegusa with Moles and/or Meche. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claims 12 and 13. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**C. The §103(a) rejection of dependent Claims 15-17 is improper because the asserted combination of Moles and Meche in view of Nakatsuyama fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

For the reasons discussed above in connection with Section A, Appellant respectfully maintains that the combination of Moles and Meche, alone or modified with the teachings of Nakatsuyama, fails to teach or suggest each of the claim limitations. Dependent Claims 15-17 are dependent on independent Claim 1, and as set forth above, the combination of Moles and Meche fails to teach or suggest each of the limitations of Claim 1. Nakatsuyama fails to remedy the above-discussed deficiencies of the asserted combination of Moles and Meche; therefore, the combination of Moles, Meche and Nakatsuyama fails to teach or suggest each of the limitations of Claims 1 and 15-17. Moreover, Nakatsuyama is not related to provisioning. Thus, in addition to the lack of motivation to combine Moles and Meche, there would be no motivation to combine the teachings of Nakatsuyama with Moles and/or Meche. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claims 15-17. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**D. The §103(a) rejection of Claim 26 is improper because the asserted combination of Moles and Meche in view of Rangarajan *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

For the reasons discussed above in connection with Section A, Appellant respectfully maintains that the combination of Moles and Meche, alone or modified with the teachings of Rangarajan *et al.* (hereinafter “Rangarajan”), fails to teach or suggest each of the claim limitations. Dependent Claim 26 is dependent on independent Claim 1, and as set forth above, the combination of Moles and Meche fails to teach or suggest each of the limitations of Claim 1. Rangarajan fails to remedy the above-discussed deficiencies of the asserted combination of Moles and Meche; therefore, the combination of Moles, Meche and Rangarajan fails to teach or suggest each of the limitations of Claim 26. Moreover, Rangarajan is directed to determining user locations and is not related to provisioning. Thus, in addition to the lack of motivation to combine Moles and Meche, there would be no motivation to combine the teachings of Nakatsuyama with Moles and/or Meche. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claim 26. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**E. The §103(a) rejection of dependent Claim 27 is improper because the asserted combination of Moles and Meche in view of Sutinen *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

For the reasons discussed above in connection with Sections A and D, Appellant respectfully maintains that the combination of Moles and Meche, alone or modified with the teachings of Sutinen (hereinafter “Sutinen”), fails to teach or suggest each of the claim limitations. Dependent Claim 27 is dependent on dependent Claim 26 and independent Claim 1, and as set forth above, the combination of Moles and Meche fails to teach or suggest each of the limitations of Claim 1. Sutinen fails to remedy the above-discussed deficiencies of the asserted combination of Moles and Meche; therefore, the combination of Moles, Meche and Sutinen fails to teach or suggest each of the limitations of Claim 27. Moreover, Sutinen is directed to synchronizing database information and is

not related to provisioning. Thus, in addition to the lack of motivation to combine Moles and Meche, there would be no motivation to combine the teachings of Sutinen with Moles and/or Meche. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claim 27. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**F. The §103(a) rejection of dependent Claims 5, 30, 32-34 and 36 is improper because the asserted combination of Moles in view of Raith fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

The rejection based upon the teachings of Moles and Raith is improper as acknowledged by the Examiner. Each of dependent Claims 5, 30, 32-34 and 36 depend from an independent claim rejected, as discussed above in Section A, based upon a combination of the teachings of Moles and Meche. In the rejection of the independent claims, the Examiner acknowledges that Moles does not teach or suggest each of the limitations of the independent claims (*e.g.*, Claims 1 and 28) from which dependent Claims 5, 30, 32-34 and 36 depend. As the Examiner has not asserted that Raith overcomes these deficiencies in Moles, and because the obviousness rejection of the independent claims recognizes that Moles fails to teach each of the claimed limitations of independent Claims 1 and 28, the rejection of dependent Claims 5, 30, 32-34 and 36 based only on the teachings of Moles and Raith is improper as the asserted combination admittedly fails to correspond to each of the claimed limitations.

Moreover, Raith does not disclose comparing an affiliated identifier pair to stored identifier pairs at a network element, as asserted. Rather, Raith at column 2, lines 40-42 merely describes comparing an electronic serial number (ESN) to a list of ESNs of stolen mobile stations. Subscriber/equipment identifier pairs are not disclosed in either Moles or Raith; therefore, a combination of Moles and Raith would fail to teach or suggest comparing such groups to known identifier pairs. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper.

Further, the requisite evidence of motivation to combine the teachings of Raith with those of Moles has not been presented. Raith does not relate to device provisioning,

but rather deals with a manner of transmitting information on a communications channel. In the rejection of Claims 5, 30 and 33, the proffered motivation to combine Raith with Moles is “for faster response” and “saving money in resources.” Appellant respectfully maintains that this proffered motivation does not rise to the level of clear, particular and actual evidence required to establish that a skilled artisan would have been motivated to combine the references as asserted. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claims 5, 30, 32-34 and 36. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**G. The §103(a) rejection of dependent Claims 6, 38-41 and 43 is improper because the asserted combination of Moles in view of Lager *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

The rejection based upon the teachings of Moles and Lager *et al.* (hereinafter “Lager”) is improper as acknowledged by the Examiner. Each of dependent Claims 6, 38-41 and 43 depend from an independent claim rejected, as discussed above in Section A, based upon a combination of the teachings of Moles and Meche. In the rejection of the independent claims, the Examiner acknowledges that Moles does not teach or suggest each of the limitations of the independent claims (*e.g.*, Claims 1 and 28) from which dependent Claims 6, 38-41 and 43 depend. As the Examiner has not asserted that Lager overcomes these deficiencies in Moles, and because the obviousness rejection of the independent claims recognizes that Moles fails to teach each of the claimed limitations of independent Claims 1 and 28, the rejection of dependent Claims 6, 38-41 and 43 based only on the teachings of Moles and Lager is improper as the asserted combination admittedly fails to correspond to each of the claimed limitations.

Moreover, Lager fails to remedy the above-discussed deficiencies of Moles or the asserted combination of Moles and Meche. Therefore, the combination of Moles and Lager, or of Moles, Meche and Lager, fails to teach or suggest all the limitations of independent Claims 1 and 28 and consequently dependent Claims 6, 38-41 and 43.



Further, the requisite evidence of motivation to combine the teachings of Lager with those of Moles has not been presented. In addition to Lager being unrelated to device provisioning, the proffered motivation to combine Lager with Moles is “for faster response” and “saving money in resources.” Appellant respectfully maintains that this proffered motivation does not rise to the level of clear, particular and actual evidence required to establish that a skilled artisan would have been motivated to combine the references as asserted. Appellant also fails to recognize what alleged faster response is being referred to. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claims 6, 38-41 and 43. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**H. The §103(a) rejection of dependent Claim 14 is improper because the asserted combination of Moles and Meche in view of Chatterjee *et al.* fails to correspond to the claimed invention.**

For the reasons discussed above in connection with Section A, Appellant respectfully maintains that the combination of Moles and Meche, alone or modified with the teachings of Chatterjee *et al.* (hereinafter “Chatterjee”), fails to teach or suggest each of the claim limitations. Dependent Claim 14 is dependent on independent Claim 1, and as set forth above, the combination of Moles and Meche fails to teach or suggest each of the limitations of Claim 1. Chatterjee fails to remedy the above-discussed deficiencies of the asserted combination of Moles and Meche; therefore, the combination of Moles, Meche and Chatterjee fails to teach or suggest each of the limitations of Claim 14. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claim 14. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**I. The §103(a) rejection of dependent Claims 18 and 35 is improper because the asserted combination of Moles and Meche in view of Donovan *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

For the reasons discussed above in connection with Section A, Appellant respectfully maintains that the combination of Moles and Meche, alone or modified with the teachings of Donovan *et al.* (hereinafter “Donovan”), fails to teach or suggest each of the claim limitations. Dependent Claims 18 and 35 are dependent on independent Claims 1 and 28, and as set forth above, the combination of Moles and Meche fails to teach or suggest each of the limitations of Claims 1 and 28. Donovan fails to remedy the above-discussed deficiencies of the asserted combination of Moles and Meche; therefore, the combination of Moles, Meche and Donovan fails to teach or suggest each of the limitations of Claims 18 and 35. Moreover, Donovan is directed to SMS services and is not related to provisioning. Thus, in addition to the lack of motivation to combine Moles and Meche, there would be no motivation to combine the teachings of Donovan with Moles and/or Meche. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claims 18 and 35. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**J. The §103(a) rejection of dependent Claim 23 is improper because the asserted combination of Moles and Meche in view of Vucetic *et al.* fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

For the reasons discussed above in connection with Section A, Appellant respectfully maintains that the combination of Moles and Meche, alone or modified with the teachings of Vucetic *et al.* (hereinafter “Vucetic”), fails to teach or suggest each of the claim limitations. Dependent Claim 23 is dependent on independent Claim 1, and as set forth above, the combination of Moles and Meche fails to teach or suggest each of the limitations of Claim 1. Vucetic fails to remedy the above-discussed deficiencies of the asserted combination of Moles and Meche. For example, the relied-upon portion of Vucetic is directed to the generation of an alarm by a wireless terminal. The alarm is

unrelated to provisioning, and the wireless terminal (not an NMS) generates the alarm. Therefore, any combination of Moles, Meche and Vucetic fails to teach or suggest each of the limitations of Claim 23. Moreover, Vucetic is not directed to provisioning. Thus, in addition to the lack of motivation to combine Moles and Meche, there would be no motivation to combine the teachings of Vucetic with Moles and/or Meche. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claim 23. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**K. The §103(a) rejection of dependent Claim 37 is improper because the asserted combination of Moles and Raith in view of Vucetic fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

The rejection based upon the teachings of Moles and Raith in view of Vucetic is improper for the reasons discussed above in Section F. Dependent Claim 37 depends from independent Claim 28 rejected, as discussed above in Section A, based upon a combination of the teachings of Moles and Meche. In the rejection of independent Claim 28, the Examiner acknowledges that Moles does not teach or suggest each of the limitations of the independent Claim 28 from which dependent Claim 37 depends. As the Examiner has not asserted that Raith overcomes these deficiencies in Moles, and because the obviousness rejection of the independent claims recognizes that Moles fails to teach each of the claimed limitations of independent Claim 28, the rejection of dependent Claim 37 based on the teachings of Moles and Raith is improper as the asserted combination admittedly fails to correspond to each of the claimed limitations. The teachings of Vucetic have not been asserted or shown to overcome the above-discussed deficiencies in the teachings of Moles.

Moreover, as discussed above in Sections F and J, Raith and Vucetic do not teach the limitations asserted by the Examiner. Any combination of Moles with Raith and/or Vucetic would still fail to correspond to each of the claimed limitations; therefore, the §103(a) rejection is improper.

Further, the requisite evidence of motivation to combine the teachings of Raith and/or Vucetic with those of Moles has not been presented. As also discussed above, neither Raith nor Vucetic is related to provisioning. In the rejection of Claim 37, the proffered motivation to combine Raith and Vucetic with Moles is “for a reliable method.” Appellant respectfully maintains that this proffered motivation does not rise to the level of clear, particular and actual evidence required to establish that a skilled artisan would have been motivated to combine the references as asserted. For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claim 37. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

**L. The §103(a) rejection of dependent Claim 42 is improper because the asserted combination of Moles and Lager in view of Donovan fails to correspond to the claimed invention, and the requisite evidence of motivation to combine the references as asserted has not been established.**

The rejection based upon the teachings of Moles and Lager in view of Donovan is improper for the reasons discussed above in Section G. Dependent Claim 42 depends from independent Claim 28 which was rejected, as discussed above in Section A, based upon a combination of the teachings of Moles and Meche. In the rejection of independent Claim 28, the Examiner acknowledges that Moles does not teach or suggest each of the limitations of the independent Claim 28 from which dependent Claim 42 depends. As the Examiner has not asserted that Lager overcomes these deficiencies in Moles, and because the obviousness rejection of the independent claims recognizes that Moles fails to teach each of the claimed limitations of independent Claim 28, the rejection of dependent Claim 42 based on the teachings of Moles and Lager is improper as the asserted combination admittedly fails to correspond to each of the claimed limitations. The teachings of Donovan have not been asserted or shown to overcome the above-discussed deficiencies in the teachings of Moles.

Further, the requisite evidence of motivation to combine the teachings of Lager and/or Donovan with those of Moles has not been presented. As also discussed above, neither Lager nor Donovan is related to provisioning. In the rejection of Claim 42, the

proffered motivation to combine Raith and Vucetic with Moles is “for an easier implementation.” Appellant respectfully maintains that this proffered motivation does not rise to the level of clear, particular and actual evidence required to establish that a skilled artisan would have been motivated to combine the references as asserted.

Appellant further maintains that the Examiner has pieced together aspects purportedly found in the prior art to arrive at the invention through hindsight. As stated by the Federal Circuit, combining prior art references without evidence of such a suggestion, teaching or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability, which is the essence of hindsight. *In re Dembiczak*, 50 USPQ2d 1614, (Fed. Cir. 1999) (citing *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985); emphasis added). For at least these reasons, *prima facie* obviousness has not been established for the rejection of dependent Claim 42. Appellant accordingly submits that the rejection is improper and requests that it be reversed.

#### 1. Claim 44

Appellant notes that dependent Claim 44 is not included in any of the statements of rejection. MPEP §707.07(d) indicates that where a claim is refused the word “reject” must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. While it appears that the Examiner intended to reject dependent Claim 44 upon the same basis as the rejection of Claim 42, such a rejection would be improper for the reasons discussed above in connection with the failure of the asserted combination of Moles, Lager, and Donovan to correspond to the claimed invention. Appellant accordingly submits that any alleged rejection of Claim 44 would be improper and requests that it would be reversed.

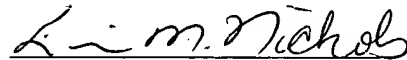
### **VIII. CONCLUSION**

In view of the above, Appellant respectfully submits that the claimed invention is patentable over the cited references and that the rejections of claims 1, 3-24, 26-30 and 32-48 should be reversed. Appellant respectfully requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authorization to charge the undersigned's deposit account is provided on the cover page of this brief.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Erin M. Nichols", written in black ink.

Name: Erin M. Nichols  
Reg. No. 57,125

## **IX. CLAIMS APPENDIX**

1. A method for initiating provisioning procedures for terminals operable in a mobile communications network, comprising:
  - automatically detecting an unprovisioned terminal in the mobile communications network;
  - providing a notification to a provisioning server to initiate the provisioning procedures for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal; and
  - monitoring for a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal, and wherein automatically detecting an unprovisioned terminal comprises determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations.
3. The method of Claim 1, wherein determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations comprises:
  - receiving the subscriber identifier identifying the particular subscriber and the equipment identifier identifying the unprovisioned terminal; and
  - comparing the subscriber identifier and the equipment identifier as an affiliated identifier pair to stored identifier pairs comprising known subscriber and equipment affiliations.
4. The method of Claim 3, further comprising storing the stored identifier pairs in a Home Location Register (HLR) at the network.
5. The method of Claim 4, wherein comparing the affiliated identifier pair to the stored identifier pairs comprises comparing the affiliated identifier pair to the stored identifier pairs at a Mobile Switching Center (MSC).

6. The method of Claim 4, wherein comparing the affiliated identifier pair to the stored identifier pairs comprises comparing the affiliated identifier pair to the stored identifier pairs at a Serving GPRS Support Node (SGSN).
7. The method of Claim 3, wherein each of the known subscriber and equipment affiliations comprise at least one equipment identifier for each subscriber corresponding to a subscriber identifier.
8. The method of Claim 3, wherein receiving a subscriber identifier and an equipment identifier comprises receiving at least an International Mobile Subscriber Identity (IMSI) and an International Mobile Equipment Identity (IMEI).
9. The method of Claim 8, wherein comparing the affiliated identifier pair to stored identifier pairs comprises comparing the affiliated identifier pair comprising the IMSI and the IMEI to a plurality of stored IMSI/IMEI pairs.
10. The method of Claim 3, further comprising availing the subscriber identifier and the equipment identifier to the mobile communications network in connection with an attach procedure.
11. The method of Claim 3, further comprising availing the subscriber identifier and the equipment identifier to the mobile communications network in connection with a location update procedure.
12. The method of Claim 3, wherein automatically detecting further comprises recognizing that the affiliated identifier pair does not match any of the stored identifier pairs in response to the comparison.
13. The method of Claim 12, wherein providing a notification to a provisioning server comprises notifying the provisioning server in response to a recognition that the affiliated identifier pair does not match any of the stored identifier pairs.



14. The method of Claim 3, further comprising providing the subscriber identifier and the equipment identifier by the unprovisioned terminal upon power up of the unprovisioned terminal.

15. The method of Claim 3, wherein:

receiving the subscriber identifier and the equipment identifier comprises continuously monitoring the affiliated identifier pair at the provisioning server through a signaling channel;

comparing the subscriber identifier and the equipment identifier comprises comparing the affiliated identifier pair to stored identifier pairs at the provisioning terminal; and

providing a notification to the provisioning server comprises providing the notification internally at the provisioning server.

16. The method of Claim 1, wherein providing a notification comprises automatically transmitting the notification to the provisioning server through the mobile communications network upon detection of the unprovisioned terminal.

17. The method of Claim 16, further comprising creating a notification message to provide the notification, wherein the notification message includes at least a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal.

18. The method of Claim 17, wherein creating the notification message comprises creating a Short Messaging Service (SMS) message including the subscriber and equipment identifiers in a user data field.

19. The method of Claim 17, wherein the subscriber identifier comprises at least an International Mobile Subscriber Identity (IMSI).

20. The method of Claim 19, wherein the subscriber identifier further comprises a Mobile Station ISDN/PSTN Number (MSISDN).

21. The method of Claim 17, wherein the equipment identifier comprises an International Mobile Equipment Identity (IMEI).
22. The method of Claim 17, further comprising:  
generating provisioning data at the provisioning server, wherein generating the provisioning data comprises correlating the equipment identifier with corresponding predetermined provisioning data; and  
transmitting the predetermined provisioning data from the provisioning server to the unprovisioned terminal.
23. The method of Claim 16, wherein automatically transmitting the notification to the provisioning server through the mobile communications network comprises:  
initiating an alarm at a network management system (NMS);  
forwarding the notification to the NMS; and  
transmitting the notification from the NMS to the provisioning server.
24. The method of Claim 1, further comprising:  
generating provisioning data by the provisioning server, and transmitting the provisioning data from the provisioning server to the unprovisioned terminal;  
receiving the equipment identifier identifying the unprovisioned terminal and correlating the equipment identifier to a matching terminal type; and wherein generating the provisioning data comprises retrieving default provisioning data corresponding to the matching terminal type.
26. The method of Claim 24, further comprising contacting the unprovisioned terminal using a Wireless Application Protocol (WAP) push message to notify the unprovisioned terminal of the transmission of the provisioning data.
27. The method of Claim 26, further comprising establishing a connection between the unprovisioned terminal and the provisioning server, and wherein transmitting the provisioning data comprises transmitting the provisioning data via a SyncML-based protocol.

28. A provisioning system for automatically provisioning terminals in a mobile communications network, comprising:
- a network element capable of receiving a subscriber identifier and an equipment identifier;
  - a detection module operable with the network element and capable of being coupled to the mobile communications network and configured to monitor for at least the subscriber identifier and the equipment identifier transmitted from an unprovisioned terminal, and to compare an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups;
  - a provisioning trigger module capable of communicating with the detection module to generate a provisioning notification based on results of the comparison of the identifier group and known subscriber-equipment groups indicating that the unprovisioned terminal has been introduced on the mobile communications network; and
  - a provisioning server configured to receive the provisioning notification and to instigate provisioning procedures with the unprovisioned terminal in response to the provisioning notification.
29. The provisioning system as in Claim 28, wherein the detection module is integrated with an existing network element of the mobile communications system.
30. The provisioning system as in Claim 28, wherein the network element comprises a Mobile Switching Center (MSC) to receive the subscriber identifier and the equipment identifier, and wherein the detection module is integrated with the MSC to monitor for the unprovisioned terminal.
32. The provisioning system as in Claim 28, further comprising a database to store the known subscriber-equipment groups.
33. The provisioning system as in Claim 32, wherein the database comprises a Home Location Register (HLR) operable in the mobile communications system, wherein each record of the HLR comprises:
- a subscriber identity field to store the subscriber identifier; and

an equipment identify field to store the equipment identifier.

34. The provisioning system as in Claim 30, wherein the provisioning trigger module is integrated with the MSC to generate the provisioning notification.
35. The provisioning system as in Claim 34, further comprising a Short Message Service Center (SMSC) to receive the provisioning notification from the MSC, and to transmit the provisioning notification to the provisioning server, wherein the provisioning notification is dispatched as a Short Messaging Service (SMS) message including at least the subscriber identifier and the equipment identifier.
36. The provisioning system as in Claim 34, wherein the provisioning trigger module comprises a processor integral to the MSC, and wherein the processor generates the provisioning notification in response to the detection of the unprovisioned terminal.
37. The provisioning system as in Claim 34, further comprising a Network Management System (NMS) to receive the provisioning notification from the MSC as an NMS alarm signal, and to transmit the provisioning notification to the provisioning server in response thereto.
38. The provisioning system as in Claim 28, further comprising an Serving GPRS Support Node (SGSN) coupled to receive the subscriber identifier and the equipment identifier, and wherein the detection module is integrated with the SGSN to monitor for the unprovisioned terminal.
39. The provisioning system as in Claim 38, wherein the detection module comprises a processor integral to the SGSN, and wherein the processor compares an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups.

40. The provisioning system as in Claim 39, further comprising a Home Location Register (HLR) database operable in the mobile communications system to store the known subscriber-equipment groups, wherein each record of the HLR comprises:
- a subscriber identity field to store the subscriber identifier; and
  - an equipment identify field to store the equipment identifier.
41. The provisioning system as in Claim 38, wherein the provisioning trigger module is integrated with the SGSN to generate the provisioning notification.
42. The provisioning system as in Claim 41, further comprising a Short Message Service Center (SMSC) to receive the provisioning notification from the SGSN, and to transmit the provisioning notification to the provisioning server, wherein the provisioning notification is dispatched as a Short Messaging Service (SMS) message including at least the subscriber identifier and the equipment identifier.
43. The provisioning system as in Claim 41, wherein the provisioning trigger module comprises a processor integral to the SGSN, and wherein the processor generates the provisioning notification in response to the detection of the unprovisioned terminal.
44. The provisioning system as in Claim 41, further comprising a Network Management System (NMS) to receive the provisioning notification from the SGSN as an NMS alarm signal, and to transmit the provisioning notification to the provisioning server in response thereto.
45. The provisioning system as in Claim 28, wherein the provisioning server comprises:
- a phone capability database to store mobile terminal models corresponding to each of a plurality of available equipment identifiers;
  - a configuration messages database to store provisioning data for each mobile terminal model; and

a processor configured to obtain the provisioning data for the unprovisioned terminal by retrieving the provisioning data for the mobile terminal model corresponding to the equipment identifier of the unprovisioned terminal.

46. A computer-readable medium having computer-executable instructions for initiating provisioning procedures for terminals operable in a mobile communications network, the computer-executable instructions performing steps comprising:

automatically detecting an unprovisioned terminal in the mobile communications network;

providing a notification to a provisioning server to initiate the provisioning procedures for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal; and

monitoring for a subscriber identifier identifying a particular subscriber and an equipment identifier identifying the unprovisioned terminal, and wherein automatically detecting an unprovisioned terminal comprises determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations.

47. A provisioning system for automatically provisioning terminals in a mobile communications network, comprising:

means for receiving a subscriber identifier identifying a particular subscriber and an equipment identifier identifying an unprovisioned terminal, and for comparing an identifier group comprising the subscriber and equipment identifiers to known subscriber-equipment groups;

means for automatically detecting the unprovisioned terminal in the mobile communications network, including means for determining that the subscriber and equipment identifiers do not collectively correspond to known subscriber and equipment affiliations based on results of the comparison; and

means for providing a notification to a provisioning server to initiate a provisioning procedure for the unprovisioned terminal in response to the automatic detection of the unprovisioned terminal.

48. A network element for facilitating provisioning of terminals in a mobile communications network, the network element comprising:

a detection module capable of communicating via the mobile communications network and configured to monitor for subscriber and equipment identifiers associated with one or more of the terminals, and to identify unprovisioned terminals introduced into the mobile communication network based on correspondence between the subscriber and equipment identifiers and any of a plurality of known subscriber and equipment affiliations; and

a provisioning trigger module coupled to the detection module to generate provisioning notifications for the unprovisioned terminals identified via the detection module, wherein each provisioning notification indicates that the respective unprovisioned terminal is to be provisioned.

**X. EVIDENCE APPENDIX**

None.



## **XI. RELATED PROCEEDINGS APPENDIX**

None.